PB90-260423

Diazinon: Position Document 1/2/3. Notice of Special Review and Preliminary Determination to Cancel Registration and Deny Applications for Certain Uses of Diazinon; Notice of Availability of Support Document

(U.S.) Environmental Protection Agency, Washington, DC

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15. Supplementary Notes

16. Abstract (Limit: 200 words)

This Position Document addresses the risks and benefits of pesticide products containing the subject active ingredient. The Agency has determined that the use of products containing the subject active ingredient may meet or exceed a risk criterion described in 40 CFR Part 154. Potential hazards will be examined further to determine the nature and extent of the risk, and considering the benefits of the subject active ingredient, whether such risks cause unreasonable adverse effects on the environment.

17. Document Analysis a. Descriptors

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ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF PESTICIDE AND TOXIC SUBSTANCES

[OPP-30000/47]

NOTICE OF SPECIAL REVIEW AND PRELIMINARY DETERMINATION TO CANCEL REGISTRATION AND DENY APPLICATIONS FOR CERTAIN USES OF DIAZINON; NOTICE OF AVAILABILITY OF SUPPORT DOCUMENT

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Special Review and Preliminary Determination.

SUMMARY: This notice announces EPA's initiation of a Special Review and preliminary determination to cancel registration and deny application for certain uses of the pesticide chemical diazinon based on the risks posed to avian species by use of diazinon on golf courses and turf farms. This notice further informs the public of the availability of documents in support of this action.

DATE: Comments from the public on the draft notice must be received on or before (insert date 45 days from publication in the FEDERAL REGISTER).

ADDRESS: Written comments, identified by the docket number [OPP-30000/47] should be sent to: By mail:

Information Services Section,
Program Management and Support Division (TS-757C),
Office of Pesticide Programs,
Environmental Protection Agency,

85P-3064

Environmental Protection Agency

401 M Street SW.,

Washington, D.C. 20460

In person, bring comments to:

Room 236, CM#2,

1921 Jefferson Davis Highway,

Arlington, VA.

Information submitted in any comment or response concerning this Notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. To assert a claim of confidentiality for all or any pa of a written submission concerning a Special Review, the submitter must furnish three copies of the material. Two complete copies must be submitted, with claimed confidential business information clearly maked in the text. Items in the document that are claimed confidential should be numbered consecutively throughout the text. The third copy must have the claimed confidential business information excised from the text without closing up or paraphrasing the remaining text. The deletions should be consectively numbered to correspond to numbering of the complete copies. Each copy must be marked on the cover as to whether it contains claimed confidential business information. Information not marked confidential may be made available through the docket or rwise disclosed publicly by EPA without prior notice to the submitter.

PUBLIC DOCKET: A public docket is established for this special review. The docket and index will be available for inspection and copying from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, at the following location:

Program Management Support Division,
Rm. 236, CM#2,
1921 Jefferson Davis Highway
Arlington, VA.

FOR FURTHER INFORMATION CONTACT: By mail:

Ingrid Sunzenauer,
Registration Division (TS-767C),
Office of Pesticide Programs,
Environmental Protection Agency
401 M St., SW.,
Washington, D.C. 20460.
Office location and telephone number:
Rm. 711, CM#2,
1921 Jefferson Davis Highway,
Arlington, VA.
(703-557-1529).

SUPPLEMENTARY INFORMATION: EPA is initiating a special review to cancel registration and deny applications for certain uses of pesticide chemical diazinon.

I. INTRODUCTION

The Agency has analyzed data regarding the risks and benefits associated with diazinon use on golf courses and sod farms. Based on this analysis which is discussed in detail in the diazinon Support Document, the Administrator has determined that the risks posed to avian species by the use of diazinon on golf courses and sod farms satisfy criteria for initiation of a Special Review. The Administrator has also determined that the risks to avian species are not outweighed by the benefits of diazinon use and, therefore, the use of diazinon on golf courses and sod farms causes unreasonable adverse effects to the environment. The Agency believes it currently has sufficient information on the risks and benefits of diazinon to permit it to issue a Notice of Special Review and a Notice of Preliminary Determination. Consequently, the Agency is (1) initiating a Special Review for diazinon, (2) proposing to cancel registrations and deny applications for diazinon use on golf courses and sod farms, (3) announcing the establishment of a public docket and availability of the diazinon Support Document, and (4) soliciting comments from the public, the Secretary of Agriculture and the Scientific Advisory Panel.

II. LEGAL BACKGROUND

A. THE STATUTE

A pesticide product may be sold or distributed in the United States only if it is registered or exempt from registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

as amended (7 U.S.C. 1136 et seq.). Before a product can be registered it must be shown that it can be used without "unreasonable adverse effects on the environment" (FIFRA section 3(c)(5)), that is, without causing "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of the pesticide" (FIFRA section 2(bb)). The burden of proving that a pesticide meets this standard for registration is, at all times, on the proponent of initial or continued registration. If at any time the Agency determines that a pesticide no longer meets this standard for registration, then the Administrator may cancel the registration under section 6 of FIFRA.

B. THE SPECIAL REVIEW PROCESS

The Special Review process, formerly called the Rebuttable Presumption Against Registration (RPAR), is a mechanism by which the Agency collects information on the risks and benefits associated with the uses of pesticides to determine whether any use causes unreasonable adverse effects to the environment. The Special Review process is currently governed by 40 CFR 162.11. Modifications to the process are described in the final Special Review regulations (50 FR 49003; November 27, 1985). These regulations will become effective after 60 days of continuous congressional session after the issuance of the regulations.

Through the Special Review process the Agency (1) announces and describes the Agency's risk concerns regarding pesticidal use based on certain risk criteria, (2) establishes a public docket,

(3) solicits comments from the public, and under certain circumstances, from the Secretary of Agriculture and the Scientific Advisory Panel regarding the Agency's analysis and proposed regulatory decisions, (4) reviews and responds to all significant comments timely submitted, and (5) makes a final regulatory decision based on a balancing of risks and benefits associated with a pesticide's use.

III. DETERMINATION TO INITIATE A SPECIAL REVIEW

In accordance with § 162.11(a)(3)(i)(B)(2), the Agency has determined that estimated diazinon residues on avian feed exceeds subacute dietary LC50's for avian species representative of those likely to feed on golf courses and sod farms. This risk determination was corroborated by field data which identified diazinon as the cause or likely cause of approximately 60 bird kills, which occurred throughout the country and included 23 bird species. Twenty kills were associated with golf courses and 20 with other grassy sites. These data indicate that avian hazard due to diazinon application on golf courses and sod farms is not limited to certain parts of the country or to certain times of the year. In addition, based on field data which identifies diazinon residues on a golf course as the cause of death in a large kill of Atlantic Brant Geese, the Agency has also determined that the criteria for significant reduction of local populations has been satisfied, 40 CFR 162.11(a)(3)(ii)(C). The Agency also concludes that the diazinon use on golf courses and sod farms satisfies the recently promulgated new

risk criteria for toxicity in non-target organisms. (50 FR at 39106). The Agency has reviewed data submitted by registrants in response to the pre-Special Review notification of registrants, but the Agency has concluded that the data do not allay the Agency's risk concerns. Consequently, the Agency is issuing this Notice of Special Review.

IV. PRELIMINARY DETERMINATION TO CANCEL

Simulataneous to the Notice of Special Review, the Agency is also issuing this Notice of Preliminary Determination to cancel registrations and deny applications for diazinon use on golf courses and sod farms. As mentioned previously, the Agency has determined that diazinon use on golf courses and sod farms poses significant risks to avian species. These risks are not outweighed by the relatively minor benefits associated with diazinon use as estimated by the Agency in the Support Document. The Agency estimated that should diazinon registrations for use on golf courses and sod farms be cancelled, a number of other pesticides would be used at an increased application cost nationwide of $937,200 and $300,000 respectively. It is anticipated that these increased costs would not have a significant impact on either the golf course or sod farm industries.

The Agency considered regulatory action short of cancellation which might lessen the avian risk associated with diazinon use on golf courses and sod farms including: (1) addition of label warnings, (2) limiting use to certain months, (3) limiting use geographically, and (4) reducing allowable application rates. The

Agency concluded that none of these alternatives to cancellation would lessen the avian risk sufficiently. As previously mentioned, golf courses and sod farms provide habitat for birds throughout the country and during all seasons. There is no time at which or location where diazinon application could take place without potential for lethal avian exposure. In addition, there are no known precautionary measures or methods of appliction which would consistently and significantly reduce risk adequately. Therefore, the Administrator has determined that the use of diazinon on golf courses and sod farms causes unreasonable adverse effects to the environment and proposes that registrations be cancelled and applications denied for these uses.

The Agency will distribute a compendium of indices for new materials for this Special Review in the public docket by mail, on a monthly basis, to those members of the public who have specifically requested such material for this Special Review, and who, as may be required, renew their previous request for such materials.

V. AVAILABILITY OF SUPPORT DOCUMENT

The diazinon Support Document, which discusses in detail the Administrator's determination to initiate a Special Review and propose cancellation of registrations and denial of applications for golf course and sod farm uses of diazinon, is available on request from Ingrid M. Sunzenauer, Registration Division, at the address/telephone number given under "FOR FURTHER INFORMATION CONTACT:"

VI. PUBLIC RECORD

The Agency has established a public record (public docket #30000[illegible]) for the diazinon Special Review. This public record will include (1) this Notice; (2) any other notices pertinent to the diazinon Special Review; (3) documents and copies of written comments submitted to the Agency in response to the pre- Special Review registrant notification, this Notice, any other Notice regarding diazinon submitted at any time during the diazinon Special Review process by any person outside government; (4) any written response to the Notice of Preliminary Determination by the Secretary of Agriculture or the Scientific Advisory Panel; (5) a transcript of all public meetings held by the Agency or the Scientific Advisory Panel for the purpose of gathering information on diazinon; (6) memorandum describing each meeting between Agency personnel and any person outside government which concerns a diazinon Special Review decision; (7) comments, documents, proposals, or other materials concerning the diazinon Special Review submitted by a person or party outside government; and (8) a current index of materials in the public docket. Information for which a claim of confidential business information has been asserted will not, however, be put in the public docket. The docket and index will be available for inspection and copying from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, at the following location:

Program Management Support Division,
Rm. 236, CM#2,
1921 Jefferson Davis Highway
Arlington, VA.

VII. SOLICITATION OF COMMENTS

All interested persons may submit comments regarding the risks and benefits associated with diazinon use on golf courses and sod farms and the Agency's proposed decision to cancel registrations and deny applications for those uses. Applicants and registrants will have 45 days from the date that this Notice is sent to submit comments. All other interested persons have 45 days from the date of publication of this Notice to submit comments. Written comments must be identified by the docket number [OPP-30000/47] and should be sent to the address provided above.

In addition, the Agency will send, for comment, this Notice and the diazinon Support Document to the Secretary of Agriculture and the Scientific Advisory panel.

Dated: 6 Jan 86

Assistant Administrator,
Office of Pesticides and Toxic Substances